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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11) Case No. CV ODW(x)
12)
13 Plaintiff(s),) SCHEDULING MEETING OF
14 v.) COUNSEL
15) [FRCP 16, 26(f)]
16) SCHEDULING CONFERENCE
17 Defendant(s).) set for , at 1:30 p.m.
18) [FRCP 26(f)]
19)
20 _____)

21 This case has been assigned to the calendar of United States District Judge
22 Otis D. Wright II. The responsibility for the progress of litigation in the federal
23 courts falls not only upon the attorneys in the action, but upon the court as well.

24 In order “to secure the just, speedy, and inexpensive determination of every
25 action,” (Fed. R. Civ. P. 1), all counsel are hereby ordered to familiarize
26 themselves with the Federal Rules of Civil Procedure and the Local Rules of the
27 Central District of California.

28 Counsel please note the changes made to former Local Rule 6, now
superseded by Fed. R. Civ. P. 16 and 26(f), effective December 1, 2000. A

1 Scheduling Conference is set for the date and time set forth in the caption.¹
2 Counsel shall meet at least twenty-one (21) days in advance of the Scheduling
3 Conference to prepare a jointly signed report for the court to be submitted no less
4 than fourteen (14) days before the Scheduling Conference. The report is to contain
5 the items set forth below. Pursuant to Fed. R. Civ. P. 16(c), the parties shall be
6 represented by counsel with authority to enter into stipulations regarding all
7 matters pertaining to conduct of the case.

8 The joint report to be submitted shall contain the items listed in Fed. R. Civ.
9 P. 26(f), the parties' recommendations and agreements, if any, about the final
10 scheduling order as listed in Fed. R. Civ. P. 16(b)(1) through (6), and those items
11 listed in Fed. R. Civ. P. 16(c) which counsel believe will be useful to discuss at the
12 Scheduling Conference. Items which must be listed are the following:

- 13 (1) a listing and proposed schedule of written
14 discovery, depositions, and a proposed
discovery cut-off date;
- 15 (2) a listing and proposed schedule of law and
16 motion matters, and a proposed dispositive
motion cut-off date;
- 17 (3) a statement of what efforts have been made
18 to settle or resolve the case to date and what
19 settlement procedure is recommended
20 pursuant to Local Rule 16-14.4 (specifically
21 excluding any statement of the terms
discussed);
- 22 (4) an estimated length of trial and a proposed
23 date for the Final Pretrial Conference and
for Trial;
- 24 (5) a discussion of other parties likely to be

25 ¹ Unless there is a likelihood that upon motion by a party the Court would order that any
26 or all discovery is premature, it is advisable for counsel to begin to conduct discovery actively
27 before the Scheduling Conference required by Fed. R. Civ. P. 16(b). At the very least, the
parties shall comply fully with the letter and spirit of Fed. R. Civ. P. 26(a) and thereby obtain
and produce most of what would be produced in the early stage of discovery, because at the
Scheduling Conference the Court will impose tight deadlines to complete discovery.

1 added;

- 2 (6) whether trial will be by jury or to the court;
- 3 (7) any other issues affecting the status or
- 4 management of the case; and
- 5 (8) proposals regarding severance, bifurcation or other
- 6 ordering of proof.

7 In addition, the Scheduling Conference Report shall contain the following:

- 8 (1) a short synopsis of the principal issues in the
- 9 case;
- 10 (2) a statement of whether pleadings are likely
- 11 to be amended;
- 12 (3) a statement as to issues which any party
- 13 believes may be determined by motion.

14 At the Scheduling Conference, the court will set a date for discovery cut-

15 off,² a final date by which dispositive motions must be set for hearing, a Final

16 Pretrial Conference date, and a trial date. The parties should also be aware that

17 pursuant to Fed. R. Civ. P. 26(f), no later than fourteen (14) days after the

18 Scheduling Conference, the parties must submit an agreed discovery plan to the

19 court for approval; this subject will be discussed at the Scheduling Conference.

20 The parties should recommend to the court whether or not the requirement of a

21 discovery plan should be waived.

22 A continuance of the Scheduling Conference will be granted only for good

23 cause. (Counsel are informed that continuance of the Scheduling Conference

24 causes commensurate delay in the trial date.) **The failure to submit a joint report**

25 ² This is not the date by which discovery requests must be served; but the date by which

26 all discovery is to be completed. Any motion challenging the adequacy of discovery responses

27 must be filed timely, served and calendared sufficiently in advance of the discovery cutoff date

28 to permit the responses to be obtained before that date, if the motion is granted. The Court

requires compliance with Local Rule 37-1 and 37-2 in the preparation and filing of discovery

motions. Except in the case of an extreme emergency which was not created by the lawyer

bringing the motion, discovery motions may not be heard on an ex parte basis.

1 **in advance of the Scheduling Conference or the failure to attend the**
2 **Scheduling Conference may result in the dismissal of the action, striking the**
3 **answer and entering a default, and/or the imposition of sanctions.**

4 A settlement procedure appropriate to the particular case will be used in
5 every civil action pursuant to Local Rule 16-15.1. In the Scheduling Conference
6 Report, counsel are to recommend a specific settlement procedure provided for in
7 Local Rule 16-15 which will be utilized in this case. Available alternatives for
8 consideration, not to the exclusion of others, include:

- 9 (1) a settlement conference before the
10 magistrate or district judge assigned to this
case (Local Rule 16-15.4(1));
- 11 (2) appearance before an attorney selected from
12 the Attorney Settlement Officer Panel (Local
Rule 16-15.4(2));
- 13 (3) appearance before a retired judicial officer
14 or other private or non-profit dispute
15 resolution body for non-judicial settlement
or mediation proceedings (Local Rule 16-
15.4(3));
- 16 (4) such other settlement mechanism proposed
17 by the parties and approved by the court.

18 The report to the court as to the above items should be preceded by a
19 thorough and frank discussion among the attorneys for the parties. A Joint
20 Scheduling Report which does not comply with FRCP 16, 26(f) and this Order may
21 cause continuance of the Scheduling Conference and possible award of sanctions
22 under FRCP 16(f) against the party or parties responsible. **A conformed courtesy**
23 **copy** of the Joint Report shall be delivered to the courtesy box on the wall outside
24 the entrance to chambers on the Spring Street level of the U.S. Courthouse, 312
25 North Spring Street, **by 4:00 p.m. on the date due.**

26 Motions shall be filed in accordance with Local Rule 7; the next available
27 motion date can be found on the Court's motion calendar, which can be viewed on
28

1 the Court's website.³ This Court hears motions on **Mondays, commencing at**
2 **1:30 p.m. No supplemental brief shall be filed without prior leave of Court.**
3 Conformed courtesy copies of **opposition and reply papers** shall be delivered to
4 the courtesy box on the wall outside the entrance to chambers on the Spring Street
5 level of the U.S. Courthouse, 312 North Spring Street, **by 4:00 p.m. on the date**
6 **due.** Adherence to the timing requirements is mandatory for chambers' preparation
7 of motion matters.

8 Counsel should take note of the changes to the Local Rules affecting motion
9 practice in the Central District. Among other things, Local Rule 7-3 requires
10 counsel to engage in a pre-filing conference "to discuss thoroughly . . . the
11 substance of the contemplated motion and any potential resolution." Counsel
12 should discuss the issues sufficiently that if a motion is still necessary, the briefing
13 may be directed to those substantive issues requiring resolution by the Court.
14 Counsel should resolve minor procedural or other nonsubstantive matters during
15 the conference.

16 **Memoranda of Points and Authorities in support of or in opposition to**
17 **motions shall not exceed 25 pages. Replies shall not exceed 12 pages.** Only in
18 rare instances and for good cause shown will the Court grant an application to
19 extend these page limitations. **Typeface shall comply with Local Rule 11-3.1.1.**
20 **NOTE: Times New Roman font must be used and the size must be no less than**
21 **14.** Footnotes shall be in typeface no less than two sizes smaller than text size and
22 shall be used sparingly. Filings which do not conform to the Local Rules and this
23 Order will not be considered.

24 Each party filing or opposing a motion or seeking the determination of any
25 matter shall serve and lodge a Proposed Order setting forth the relief or action

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27 ³ All law and motion matters, except for motions in limine, must be set for hearing (not
28 filing) by the motion cutoff date.

1 sought and a brief statement of the rationale for the decision with appropriate
2 citations.

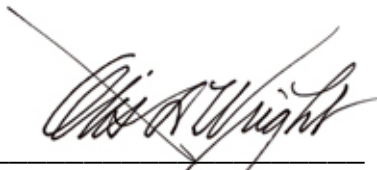
3 Counsel are reminded ex parte applications are solely for extraordinary
4 relief. *See Mission Power Engineering Co. v. Continental Casualty Co.*, 883 F.
5 Supp. 488 (C.D. Cal. 1995).

6 Counsel for plaintiff shall immediately serve this Order on all parties,
7 including any new parties to the action.

8 IT IS SO ORDERED.

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10 DATED:

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Otis D. Wright II
United States District Judge